

S. B. No. 60 Vetoed.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced, presented the following message from the Governor, which was read to the Senate, as follows:

Governor's Office,

Austin, Texas, Feb. 6, 1923.

To the Texas Senate of the Thirty-eighth Legislature:

I hereby return to you with my disapproval and veto, Senate Bill No. 60. This Act creates the Ninety-second Judicial District, composed of the counties of Clay, Archer and Young. These three counties, together with Wichita County, at present constitute the Thirtieth Judicial District. This Bill gives the Thirtieth District court entirely to Wichita County and forms the Ninety-second Judicial District, composed of Clay, Archer and Young Counties. The object of this Bill is to give longer terms to Clay, Archer and Young Counties.

The district clerk of Clay County, in written communication to me, states that "Clay County docket now clear and in good shape." The district judge, who presides over the District Court of Clay County, writes as follows:

"The docket in Clay County is clear and I did not use the allotted eight weeks as now provided by law."

In addition to these statements from these officers, the facts as I found them to be on investigation show conclusively that Clay County does not need another and additional term of court, nor a longer term of court and that the sixteen weeks a

year as now provided by law for Clay County, are not used. This new Bill, however, provides for four additional weeks a year to be added to the present term of the district court of this county. Certainly there is no occasion for adding four additional weeks a year to the court in order to dispose of all the court business when it is not required to use the sixteen weeks now provided by law for this county.

Archer County under the present law has six weeks a year. During these six weeks in 1922, the court tried only six short jury cases, one civil and five criminal. One of the five criminal cases resulted in a hung jury; one defendant was sent to the penitentiary, and three were given the suspended sentence. Eliminating the three suspended sentences, and no court is worth maintaining merely for the purpose of giving the suspended sentence, we readily see that no additional time is needed to dispose of the court business in Archer County. In regard to this matter the district judge writes me as follows:

"The docket in Archer County is clear and the allotted three weeks is more than ample for it."

This new court bill provides that two additional weeks a year be added to the present terms of the district court for Archer County. Good lawyers, as well as other reputable citizens in both Clay and Archer Counties, have assured me that no additional terms of court are necessary to properly dispose of the legal business of these two counties. It appears, therefore, that it would be a waste of energy, time, and money, to increase the district court terms of either Archer or Clay Counties.

Young County has an oil boom court docket carrying as a matter of course, much dead weight, cases that will never be tried; yet it is understood that this county needs some temporary court relief in order to clear the docket of pending cases. This relief can probably be given by the present court by readjusting the terms of the court in Archer, Clay, and Wichita Counties, giving additional time to Young County. The present district judge, as well as others acquainted with the situation, think desired relief can thus be given. To furnish, however, speedy and

sure relief, I recommend that a district court be created for a period of one year, or not exceeding eighteen months, for Young County; and said court so organized to sit continuously in Young County for said period of not exceeding eighteen months and clear up the present oil boom court docket; and that during the life of this court the present judge of the Thirtieth Judicial District Court hold court as he does now in Archer and Clay Counties, and that he give all his additional time to the trial of his docket in Wichita County, and that at the end of the life of the proposed court for Young County, the judicial district now composing the Thirtieth Judicial District, function as it does at this time in Wichita, Young, Archer, and Clay Counties. I recommend the passage of a bill creating this temporary court, defining its life and jurisdiction rather than approving this bill creating a permanent court, for the reason in addition to the reasons heretofore stated, that when a court, or any other office of any kind, has been once created, it seems absolutely impossible to abolish it without regard to whether it is rendering service or not. Should the present bill become a law creating a permanent Ninety-second Judicial District Court and the court docket is caught up with in Young County within approximately a year, as can easily be done, we will then have in the State a district court, as we now have at numerous places in Texas, with practically no work for it to do; yet to abolish it will be practically an impossibility.

I am exceedingly reluctant to give my endorsement and approval to the creation of new district courts in Texas while we have in the State a considerable number of district courts that do not have enough work to keep them busy half the time during the year. After a very thorough and conscientious investigation of this bill providing for the creation of the Ninety-second Judicial District Court, and feeling confident that all necessary relief can be had by a temporary court of approximately one year, I am returning herewith to you Senate Bill No. 60, with my disapproval and veto.

Yours sincerely,

PAT M. NEFF, Governor.

Senator Bledsoe moved that S. B. No. 60 be passed notwithstanding the Governor's objections outlined in the message above.

Pending the motion, the bill was laid on the table subject to call, on motion of Senator Bledsoe.